

UNITED STATES DISTRICT COURT

for the
Western District of OklahomaAMG
2-10-23In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)a blue Samsung cellular telephone, IMEI unknown,
seized from Kristy Kay Leboeuf

Case No. M-23- 61 -AMG

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the Western District of Oklahoma, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

21 U.S.C. § 846

21 U.S.C. § 841(a)(1)

Offense Description

Drug Conspiracy

Possession with intent to Distribute Controlled Substances

The application is based on these facts:

See Attached Affidavit.

☒ Continued on the attached sheet.☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Michael Feagan, Special Agent (HSI)

Printed name and title

Sworn to before me and signed in my presence.

Date: February 10, 2023City and state: Oklahoma City, Oklahoma

Judge's signature

Amanda Maxfield Green, U.S. Magistrate Judge

Printed name and title

**WESTERN DISTRICT OF OKLAHOMA
OKLAHOMA CITY, OKLAHOMA**

**STATE OF OKLAHOMA)
)
COUNTY OF OKLAHOMA)**

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

**I, Michael Feagan, Special Agent of Homeland Security Investigations (HSI),
being duly sworn, depose and state as follows:**

1. I am an investigative or law enforcement officer within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in 18 U.S.C. § 2516. I am authorized to conduct criminal investigations of violations of the laws of the United States and to execute warrants issued under the authority of the United States.

2. I have been employed as a Special Agent with HSI since February 2022. Prior to my position as a Special Agent for HSI, I served as a Special Agent for the United States Secret Service (USSS), beginning in July 2017. I have previously attended and graduated from the Criminal Investigation Training Program at the Federal Law Enforcement Training Center in Glynco, GA; the USSS Special Agent Training Program in Beltsville, MD; and the HSI Special Agent Training in Glynco, GA. I am currently assigned to the Office of the Assistant Special Agent in Charge, Oklahoma City, Oklahoma. As part of my daily duties as an HSI Special Agent, I investigate criminal violations of federal law, including violations of 21 U.S.C. §§ 841(a)(1) and 846.

3. I am submitting this Affidavit in support of a search warrant authorizing a search of a **blue Samsung cellular telephone, IMEI unknown, seized from Kristy Kay Leboeuf (SUBJECT PHONE)**—as further described in Attachment A, which is incorporated into this Affidavit by reference. HSI Oklahoma City has custody of the **SUBJECT PHONE** in Oklahoma City, Oklahoma. I am submitting this Affidavit in support of a search warrant authorizing a search of the **SUBJECT PHONE** for the items specified in Attachment B and to seize all items described in Attachment B.

4. Since this Affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me regarding this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to support a search warrant. The information contained herein is based on my personal knowledge and observation, my training and experience, conversations with other law enforcement officers and witnesses, and review of documents and records.

BACKGROUND INVESTIGATION

5. On January 26, 2023, HSI Oklahoma City received a request for assistance from the Combined Interdiction Team of Central Oklahoma (CITCO). Oklahoma City Police Department (OCPD) Officer Anthony Glover, assigned to the CITCO, was eastbound on Interstate Highway 40 (I-40) just west of Choctaw Road, within the Western District of Oklahoma. According to OCPD reporting, Officer Glover was observing eastbound traffic on I-40 east of Oklahoma City when he observed an eastbound silver Toyota Camry displaying Washington license plate CER7041 traveling seventy-eight (78) miles per hour in a posted

seventy (70) miles per hour zone. Officer Glover visually observed the vehicle speeding and confirmed it with his forward-facing radar. Officer Glover then observed the vehicle change lanes without properly signaling. Officer Glover initiated a traffic stop of the vehicle at the Choctaw Road exit ramp just west of Choctaw Road.

6. The driver and sole occupant of the vehicle was identified as KRISTY KAY LEBOEUF (LEBOEUF). During the stop, Officer Glover advised LEBOEUF that she was speeding, and LEBOEUF stated, "I'm not used to Oklahoma." While speaking with LEBOEUF, Officer Glover noticed several indicators that led him to believe LEBOEUF was engaged in "hard travel." For instance, LEBOEUF had snacks, fast food, water bottles, and caffeinated drinks.

7. While conducting routine checks, LEBOEUF told Officer Glover that she had rented the vehicle with a friend and had decided to quote, "take a ride." LEBOEUF appeared nervous during conversation with Officer Glover. LEBOEUF went on to tell Officer Glover that one week prior, she and her friend, Jose Padilla (Padilla), purchased one-way flights from Louisiana to visit family in California. After visiting family and renting the vehicle, Padilla went to Mexico. LEBOEUF decided she would then drive to visit a friend in Georgia. Despite the extended travel, LEBOEUF advised she did not have any luggage and that she was traveling with only the clothes she was wearing.

8. While speaking with LEBOEUF and running routine checks, Officer Glover requested a K-9 unit. While the K-9 unit was en route to the stop, Officer Glover asked LEBOEUF if there were any illegal drugs in the vehicle. LEBOEUF responded "no." When

asked specifically if there was any fentanyl in the vehicle, LEBOEUF stammered, saying, “umm...umm.” Officer Glover then asked if he could have consent to search the vehicle, and LEBOEUF replied, “yeah.”

9. Shortly after, OCPD Officer Kyle Dake with his K-9 Dirk responded to the stop. During a free air sniff of LEBOEUF’s vehicle, Dirk alerted to the presence of drugs. A probable cause search of the vehicle was then conducted. During the search, officers found five (5) bricks that were white in color and partially wrapped in electrical tape. The bricks were concealed under the vehicle’s spare tire located in the trunk.

10. The suspected drugs were taken to the CITCO office for processing. Inside the bricks was a compressed white, powdery substance suspected to be fentanyl. The Oklahoma City Fire Department was contacted and arrived at the CITCO office to test the substance. The white powder tested positive for the presence of fentanyl. LEBOEUF was arrested and transported to the Oklahoma County Jail.¹

11. In addition to the drugs, law enforcement also found the **SUBJECT PHONE** in the vehicle. The seized property was checked into evidence storage at HSI Oklahoma City. Because the **SUBJECT PHONE** is already in possession of law enforcement, either a daytime or nighttime search is warranted.

12. Based on my training and experience, I am aware that individuals involved in drug trafficking often use cell phones to maintain contact with other co-conspirators,

¹ On February 7, 2023, LEBOEUF was indicted by federal Grand Jury in the Western District of Oklahoma with one count of possessing fentanyl with intent to distribute in violation of Title 21, U.S.C. § 841(a)(1).

including suppliers, transporters, distributors, and purchasers of illegal narcotics. Such cell phones and their associated memory cards commonly contain electronically stored information which constitutes evidence, fruits, and instrumentalities of drug trafficking offenses including, but not limited to, the phone directory and/or contacts list, calendar, text messages, e-mail messages, call logs, photographs, videos, and GPS location information.

13. Thus, there is probable cause to believe that violations of 21 U.S.C. §§ 841(a)(1) and 846 have occurred, and that evidence, fruits, and instrumentalities of these offenses are located on the **SUBJECT PHONE**. Therefore, I respectfully request that this Court issue a search warrant for the **SUBJECT PHONE**, described in **Attachment A**, authorizing the seizure of the items described in **Attachment B**.



MICHAEL REAGAN
Special Agent
Homeland Security Investigations

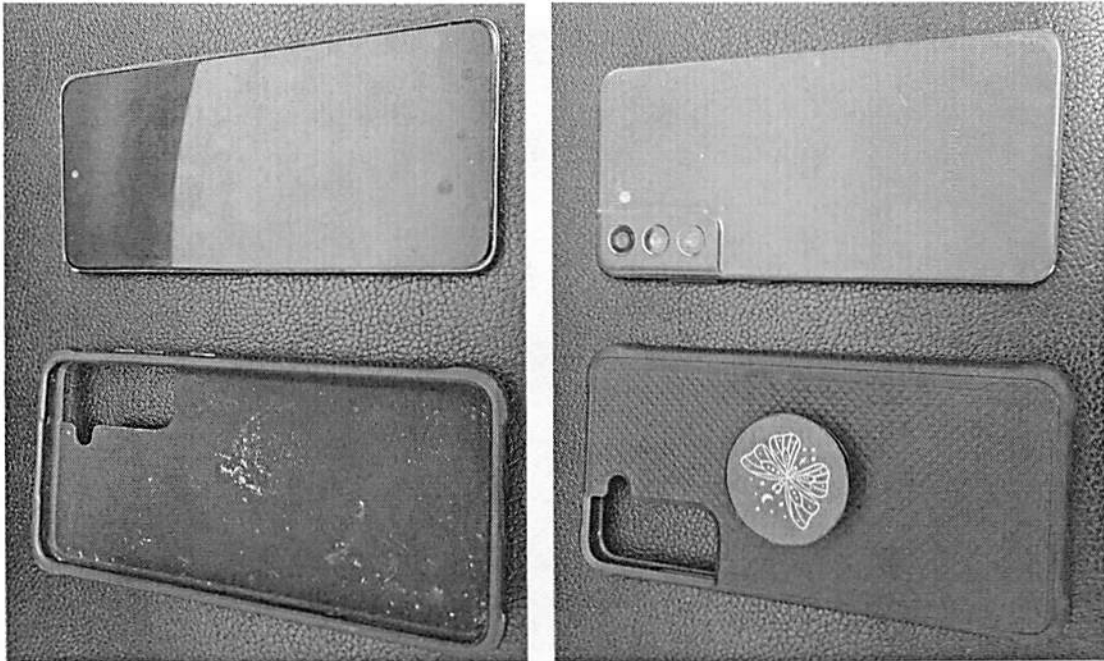
Subscribed and sworn to before me this 10th day of February, 2023 at Oklahoma City, Oklahoma.



AMANDA MAXFIELD GREEN
United States Magistrate Judge

ATTACHMENT A
Item to be searched

The property to be searched is described as: a blue Samsung cellular telephone, IMEI unknown, seized from Kristy Kay Leboeuf (hereinafter the "SUBJECT PHONE"). The SUBJECT PHONE is currently located in secure evidence storage at HSI in Oklahoma City, Oklahoma. This warrant authorizes the forensic examination of the SUBJECT PHONE for the purpose of identifying the electronically stored information described in Attachment B. Photos of the SUBJECT PHONE are below:



ATTACHMENT B

LIST OF ITEMS TO BE SEIZED

All records on the **SUBJECT PHONE** described in Attachment A that relate to violations of law, including, specifically 21 U.S.C. § 846, Drug Conspiracy and or evidence of 21 U.S.C. § 841(a)(1), Possession with intent to Distribute Controlled Substances. Your Affiant believes there are possibly text messages, contact information, photographs or other items communicated within this device that provide information about illegal activities which involve Kristy Kay Leboeuf and/ or possible co-conspirators including:

1. Stored communications which are voice recordings/messages, text messages (SMS) and multimedia messages (MMS), emails and attachments, read or unread which relate to and provide evidence of criminal activity described in this affidavit;
2. Stored communications voice or text based located within downloadable messaging applications or social media applications;
3. All internet usage history that may reveal evidence of drug trafficking, such as package tracking, internet mail communications, electronic payment receipts, etc.
4. Call logs/histories depicting incoming/outgoing numbers dialed to and from the above-described telephone device which relate to and provide evidence of the above described criminal activity and further described in this affidavit;
5. Internet World Wide Web (WWW) browser files including browser history, browser cache, browser favorites, auto-complete form history and stored passwords;
6. Contacts, address books and calendars, customer lists and related identifying information such as names, nicknames and/or monikers within the above-described

telephone device which relate to and provide evidence of the above described criminal activity and further described in this affidavit;

7. Photographs, audio/video recordings with their associated metadata relating to and which provide evidence of the above-described criminal activity and further described in this affidavit;

8. Stored location information including global positioning system (GPS) data indicating coordinates, way points, tracks and locations in which the phone has traveled; and

9. Data and user records/information, password(s) that would assist in identifying/confirming the owner(s)/user(s) of the above referenced property to be searched.